

IN THE COURT OF THE DISTRICT MUNSIF, HARUR

Present: Tmt.SRI MATHURA S. LLM.,

DISTRICT MUNSIF, HARUR

On Friday, the 21st day of November 2025

I.A.No: 913/2021

In

O.S.No: 42/2014

Venkatesan

...Petitioner/Plaintiff

//Vs//

1.S.Bhoopathi

2.V.Ravi

3.T.Karl Marx

4.M.Puthiran

5.Neelambal

6.Murugan

7.R.Abathvanthavan

...Respondents/Defendants

This petition came up on 7.11.2025 for final hearing before me in the presence of Adv.Thiru.T.Umasankar for the Petitioners/legal heirs of deceased Plaintiff and the Respondents/Defendants did not file counter, they were called absent and set ex-parte and they remained ex-parte till date. Upon hearing the petitioner's submission and perusing the documents and having stood over till this day for consideration, this court delivered the following.

ORDER

This interlocutory petition was filed by the Petitioner/ Plaintiff under **SECTION 151 OF CPC** to reopen the plaintiff side evidence and thus render justice.

I) The Contention of the Petitioner/ Plaintiff in brief :

1.1) The petitioner submits that the suit was earlier posted for plaintiff-side evidence, and a process memo had been filed seeking issuance of witness summons to the Revenue Divisional Officer (RDO), Harur. The Court had accepted the process memo and directed payment of process fee. However, the summons had not been served, and despite this, the Court mistakenly closed the plaintiff-side evidence and permitted the defendants to let in their evidence. A defence witness was also examined, and the matter was posted for his cross-examination.

1.2) The petitioner states that due to the prevailing COVID-19 pandemic and restrictions, his counsel who was not vaccinated at the time could not appear before the Court. Although the petitioner was personally present on most hearing dates, he was unable to effectively bring the pendency of the process memo to the Court's notice. Owing to these circumstances, a petition was filed earlier to summon the witness, but it was returned for minor defects such as specifying the correct provision of law, enclosing the batta memo, and entering addresses.

1.3) The petitioner further states that there is no specific provision under the CPC for reopening plaintiff evidence in the circumstances presented, and therefore, he has invoked the inherent powers of the Court under Section 151 CPC. He submits

that the earlier process memo remains pending on the file, and hence the Court may kindly issue the witness summons as originally prayed for. He contends that the plaintiff-side evidence cannot be treated as closed in the eye of law since the Court had already initiated the process for summoning the witness. The petitioner states that a fresh petition is filed, along with a copy of the returned petition, without prejudice, and prays that the plaintiff-side evidence be reopened and witness summons be issued to the RDO in the interest of justice.

II. The Respondents/Defendants did not file counter, they were called absent and set ex parte and they remained ex-parte till date.

III) Points for Consideration :

Whether the petitioner is entitled to relief as prayed for ?

IV) Discussion:

4.1) This Court has carefully considered the pleadings, submissions, and the materials placed on record. However, the records also reveal that the petitioner and his counsel were repeatedly absent on the dates fixed for further plaintiff-side evidence, despite sufficient opportunities being granted. In view of their continued non-appearance, this Court was constrained to close the plaintiff-side evidence and proceed with the defendants' evidence.

4.2) Considering the explanation offered regarding the pandemic-related difficulties and the fact that summoning the said witness may be essential for proper adjudication of the suit, this Court is of the view that a strict technical approach should not defeat substantial justice. Therefore, in the larger interest of

justice and to afford the petitioner one final opportunity to prosecute his case effectively, this petition is allowed. The plaintiff-side evidence is ordered to be reopened solely for the limited purpose of examining the proposed witness, subject to payment of necessary process and compliance with all procedural requirements.

V) Decision:

In the result, I.A.No: 913/21 is allowed. No orders as to cost.

Dictated to the Steno-Typist, typed by her in computer,
corrected and pronounced by me in open Court,
on the 21st day of November, 2025

DISTRICT MUNSIF, HARUR

Annexure:

Petitioner side Evidence and Exhibits: Nil

Respondent side Evidence and Exhibits: Nil

DISTRICT MUNSIF, HARUR

Fair Order

I.A.No:913/2021 in O.S.No:42/2014

Dated:21.11.2025

I.A.No:913/2021 in O.S.No: 42/2014

District Munsif Court, Harur